

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

Yun-Nam Jang

Serial No. 10/749,495

Filed: December 31, 2003

For: **MOBILE TERMINAL HAVING TIME SHIFT
FUNCTION AND METHOD THEREOF**

Examiner: Khai Minh Nguyen

Art Unit: 2687

Confirmation No. 1220

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.8 (b)

Dear Commissioner:

In response to a Decision on Petition filed January 30, 2007, Applicant responds as follows.

Applicant respectfully requests reconsideration of the petition decision. Applicant submits a Statement as required by Jean Svoboda including a certificate of mailing. Applicant also submits the previously submitted Response, which was timely filed on April 10, 2006.

Statement Under 37 CFR 1.8(b)(3) begins on page 3 of this paper.

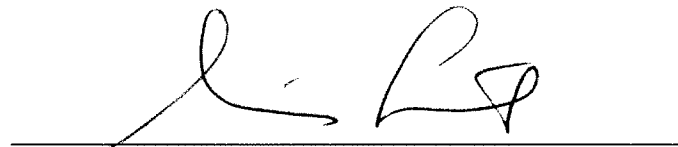
Copy of Response begins on page 4 of this paper.

In the event any Petition is required for consideration of this Response, Applicant hereby so Petitions. Please charge any Petition Fee to Deposit Account 02-2666. In the event any Petition Fee is so charged, Applicant requests refund thereof since the Petition is required due to no fault of Applicant.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: November 1, 2007

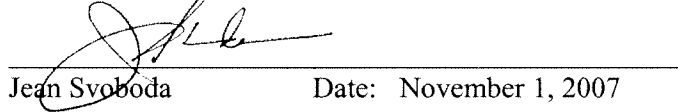


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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.



Jean Svoboda

Date: November 1, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

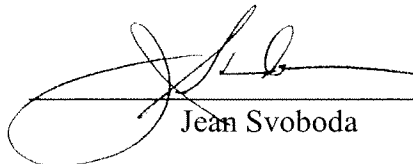
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Statement Under 37 CFR 1.8(b)(3)

I hereby state that on April 10, 2006, I deposited the attached Form Amendment and Response to Office Action under Certificate of Mailing dated April 10, 2006 with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop Amendment address, namely Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Dated: November 1, 2007



Jean Svoboda

COPY

Attorney Docket No. 51876.P577

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

Yun-Nam Jang

Serial No. 10/749,495

Filed: December 31, 2003

**MOBILE TERMINAL HAVING TIME SHIFT
FUNCTION AND METHOD THEREOF**

Examiner: Khai Minh Nguyen

Art Unit: 2687

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Commissioner:

In response to the Office Action mailed January 11, 2006, regarding the above-referenced application, Applicant respectfully requests entry of the amendment set forth below and consideration of the remarks that follow.

AMENDMENTS TO THE CLAIMS

Claim 1 (Currently Amended): ~~An apparatus mobile terminal having a time shift function,~~
comprising:

a mobile terminal having a time shift function, the mobile terminal including:

a keypad input unit for receiving ~~the~~ a time shift selection signal;

a memory unit for storing ~~the~~ multimedia data;

a transceiver unit for receiving the multimedia data through a wireless channel;

a control unit for controlling the memory unit to store the multimedia data by in response to receiving the time shift function selection signal and to output the multimedia data stored in the memory unit after passing a predetermined length of time; and

a display unit for receiving the ~~image and voice~~ multimedia data and displaying the ~~image and voice~~ multimedia data.

Claim 2 (Original): The mobile terminal as recited in claim 1, wherein the predetermined length of time is set by a user through the key pad input unit.

Claim 3 (Currently Amended): ~~A method for implementing a time shift function in a mobile terminal, the method comprising the steps of:~~

implementing a time shift function in a mobile terminal, the implementing includes:

a) -receiving a time shift function selection signal;

b) ~~receiving and~~ storing received multimedia in a memory unit in response to the time shift function selection signal data;

e) determining whether a predetermined length of time is exceededed and performing ~~step b)the storing~~ if the predetermined time is not exceededed; and

d) if the predetermined time is exceededed, outputting the stored multimedia data through a display unit.

Claim 4 (Original): The method as recited in claim 3, wherein the predetermined length of time is set by a user through a keypad input unit .

REMARKS

Claims 1-4 were examined and reported in the Office Action. Claims 1-4 are rejected. Claims 1 and 3 are amended. Claims 1-4 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(e)

It is asserted in the Office Action that claims 1-4 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Publication No. 20040204020 by Kuramitsu ("Kuramitsu"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claim 1 contains the limitations of

a mobile terminal having a time shift function, the mobile terminal including: a keypad input unit for receiving a time shift selection signal; a memory unit for storing multimedia data; a transceiver unit for receiving the multimedia data through a wireless channel; a control unit for controlling the memory unit to store the multimedia data in response to receiving the time shift function selection signal and to output the multimedia data stored in the memory unit after passing a predetermined length of time; and a display unit for receiving the multimedia data and displaying the multimedia data.

Applicant's amended claim 3 contains the limitations of

[a] method comprising: implementing a time shift function in a mobile terminal, the implementing includes: receiving a time shift function selection signal; storing received multimedia in a memory unit in response to the time shift function selection signal data; determining whether a predetermined length of time is exceeded and performing the storing if the predetermined time is not exceeded; and if the predetermined time is exceeded, outputting the stored multimedia data through a display unit.

In other words, Applicant's claimed invention includes a mobile terminal that receives a time shift selection signal, stores multimedia data after receiving the time from the time shift function selection signal data, determines if a predetermined length of time is exceeded and outputs the stored multimedia data after exceeding the predetermined length of time.

Distinguishable, Kuramitsu discloses a terminal device that stores a received transport stream during voice communication. According to the start instruction signal SLp from the input device 10, the stored transport stream is reproduced. The start instruction signal SLp in Kuramitsu, however, is not a time shift selection signal. Further, Kuramitsu does not teach, disclose or suggest means or steps for receiving a time shift selection signal or storing multimedia data in response to the time shift function selection signal as claimed in Applicant's invention.

Moreover, Kuramitsu does not teach, disclose or suggest Applicant's claim 1 limitations of

a mobile terminal having a time shift function...a memory unit for storing multimedia data; a transceiver unit for receiving the multimedia data through a wireless channel; a control unit for controlling the memory unit to store the multimedia data in response to receiving the time shift function selection signal and to output the multimedia data stored in the memory unit after passing a predetermined length of time...

or Applicant's claim 3 limitations of

...implementing a time shift function in a mobile terminal, the implementing includes: receiving a time shift function selection signal; storing received multimedia in a memory unit in response

to the time shift function selection signal data; determining whether a predetermined length of time is exceed and performing the storing if the predetermined time is not exceeded; and if the predetermined time is exceeded, outputting the stored multimedia data through a display unit.

Therefore, since Kuramitsu does not disclose, teach or suggest all of Applicant's amended claims 1 and 3 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Kuramitsu. Thus, Applicant's amended claims 1 and 3 are not anticipated by Kuramitsu. Additionally, the claims that directly depend on claims 1 and 3, namely claims 2, and 4, respectively, are also not anticipated by Kuramitsu for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 1-4 is respectfully requested.

CONCLUSION

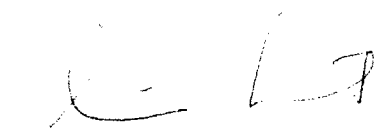
In view of the foregoing, it is believed that all claims now pending, namely 1-4, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: April 10, 2006

By: 
Steven Laut, Reg. No. 47,736

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on April 10, 2006.


Jean Svoboda